

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 55667-3-I
Respondent,)	
)	DIVISION ONE
v.)	
)	UNPUBLISHED OPINION
CEDRIC MARVIN JACKSON,)	
AKA CEDRICK MARVIN JACKSON,)	
AKA CLAUDE JACKSON,)	
)	FILED: July 3, 2006
Appellant.)	

PER CURIAM. A sentence modification made pursuant to RCW 9.94A.634 is a continuing consequence of a criminal offender's original conviction and thus a punishment imposed for the original crime. The modification of Cedric Jackson's sentence for fleeing the King County Work Release Program and his subsequent prosecution for escape in the first degree does not implicate double jeopardy. We affirm.

FACTS

On January 15, 2004, Cedric Jackson entered into a guilty plea to the charge of burglary in the second degree. On January 23, 2004, Jackson was sentenced to ten months in the King County Work Release Program, also known

as the Work Education Release Program. Jackson signed the judgment and sentence and provided fingerprints. He also signed an agreement to Conditions of Conduct for Persons Ordered by the King County Superior Court into Work Education Release.

On January 28, 2004, Jackson signed a King County Work Release Program document that included the following language:

I, Cedric M. Jackson, hereby acknowledge that I have read and understand the rules of the Community Corrections Program. I also acknowledge that I have read and understand the above RCW's 9A.76.110 AND 9A.76.120. I further understand that a violation of the Community Corrections Programs (Work Education Release and Electronic Home Detention) rules will result in disciplinary action as prescribed by same and, further, if I walk away from, leave without proper authorization, fail to return to, or abscond from, my approved residence or any facility or person to whose charge I have been committed, I will be charged with Escape as provided for under the above RCW's, and will be prosecuted for said crime.

The document includes RCW's 9A.76.110 and 9A.76.120, which describe the crimes of escape in the first and second degrees.

On February 5, 2004, Jackson was released on pass to look for employment. He was to return the same day by 16:50 hours. Jackson did not return and a bench warrant was issued for his arrest. Jackson was apprehended and booked into jail on June 25, 2004.

After Jackson was arrested, a hearing was held and the trial court imposed an additional month of confinement in addition to the remainder of the original ten month sentence. Jackson then was charged with one count of

escape in the first degree. Jackson argued to the trial court that collateral estoppel and double jeopardy barred the criminal prosecution for escape. The trial court rejected Jackson's claims and the case proceeded to trial on stipulated facts. The trial court found Jackson guilty as charged. Jackson appeals.

ANALYSIS

Pursuant to RCW 9.94A.634, if a criminal offender violates a condition of his or her sentence, the trial court may modify the order of judgment on the underlying offense and impose further punishment, including sixty days further confinement for each violation.¹ Furthermore, "[n]othing in [RCW 9.94A.634] prohibits the filing of escape charges if appropriate."² By fleeing the Work Release Program, Jackson violated a condition of his sentence and the trial court was justified under the statutes in imposing one month further confinement on his underlying burglary conviction for that violation.

The Legislature is right when it states: "Nothing in [RCW 9.94A.634] prohibits the filing of escape charges if appropriate."³ Contrary to Jackson's arguments, precedent dictates that a sentence modification made pursuant to RCW 9.94A.634 is a continuing consequence of a criminal offender's original conviction and thus a punishment imposed for the original crime.⁴ As such,

¹ See RCW 9.94A.634(1) and (3)(c).

² RCW 9.94A.634(6).

³ RCW 9.94A.634(6).

⁴ See State v. Prado, 86 Wn. App. 573, 577, 937 P.2d 636 (1997) (citing United States v. Soto-Olivas, 44 F.3d 788 (9th Cir. 1995)). See also State v. Grant, 83 Wn. App. 98, 920 P.2d 609 (1996).

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Jackson's subsequent prosecution for a different crime, escape in the first degree, does not implicate double jeopardy.

We affirm.

FOR THE COURT:

Grosse, J.
Appelwick, J.
Eleymon, J.